

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

DEFENDANTS' MOTION TO DISMISS

Defendants, by counsel and pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, hereby move to dismiss the First Amended Complaint (“Complaint”) filed against them on the following grounds:

1. Count I of the Complaint, which purports to allege a conspiracy 42 U.S.C. § 1985, should be dismissed because Plaintiff lacks standing to pursue a conspiracy claim under 42 U.S.C. § 1985.
2. Additionally, Count I should be dismissed because Plaintiff fails to plead sufficient facts to plausibly set forth a cause of action for conspiracy.
3. Count I fails for the added reason that it is precluded by the doctrine of intracorporate immunity.
4. Finally, Count I is barred by the statute of limitations to the extent it alleges wrongful conduct predating August 21, 2007.
5. If the Court dismisses Count I, Count II (libel per se) should be dismissed for lack of jurisdiction.

6. Additionally, Count II fails to state a claim, because Plaintiff has failed to set forth the exact words of each defamatory statement for which relief is sought and fails to allege statements that would constitute defamation *per se*.

7. Count II also is time barred to the extent it seeks to rely on statements made in 2007 and 2008.

8. Finally, Plaintiff fails to state a claim to the extent she seeks recovery for intentional infliction of emotional distress.

In support of this motion, Defendants submit the accompanying memorandum of law.

Respectfully submitted,

All Defendants
By Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on October __, 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing (NEF) to the following:

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